

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 07, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TREY S.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 2:23-CV-00001-SAB

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 19. The motion was heard without oral argument. Plaintiff is represented by Maren Ann Miller Bam. The Commissioner is represented by Franco Becia, Ryan Lu and Brian Donovan.

The parties stipulate and ask that the above-captioned case be remanded and assigned to a new ALJ.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 19, is  
**GRANTED.**

2. Pursuant to the parties' Stipulation, the above-captioned case is reversed and remanded for further administrative proceedings pursuant to the sentence four of 42 U.S.C. § 405(g).

3. The Appeals Council shall remand the case to an Administrative Law Judge (ALJ) to fully comply with the prior orders of the district court and Appeals

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Council and:

- Reevaluate Plaintiff's alleged symptoms pursuant to Social Security Ruling 16-3p;
- Reassess Plaintiff's residual functional capacity and continue the sequential evaluation, including, as necessary, obtaining vocational expert evidence; and
- Offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record and issue a new decision.

4. As the same ALJ has already decided the case twice, the Appeals Council shall remand the case to a different ALJ pursuant to standard practices as set out in HALLEX I-2-1-55.

5. After judgment, Plaintiff may be entitled to reasonable attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to this Court.

6. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against Defendant.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to file this Order, provide copies to counsel, and close the file.

**DATED** this 7th day of September 2023.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, written over a horizontal line.

Stanley A. Bastian  
Chief United States District Judge